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6 Attorney for Plaintiff

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONNA TUGGLE, }
vs. LAS VEGAS SANDS CORPORATION, }
Plaintiff, }
DOES 1-10, inclusive; ROE }
CORPORATIONS 1-10, inclusive, }
Defendant. }

COMPLAINT
(Jury Trial Demanded)

15 COMES NOW, the Plaintiff, DONNA TUGGLE, by and through her undersigned
16 counsel, KIRK T. KENNEDY, ESQ., who files this Complaint against the Defendant and
17 would allege as follows:

- 18 1. Plaintiff, DONNA TUGGLE, is a resident of Clark County, Nevada and did so reside
19 herein during all events complained of in this action.
- 20 2. Defendant, LAS VEGAS SANDS CORPORATION, INC, is a Nevada corporation
21 which existed and operated in Nevada during all events complained of in this action.
- 22 3. Defendant named herein is an employer within the jurisdictional coverage of the
23 Americans with Disabilities Act and under Nevada's anti-discrimination statutes.
- 24 4. Plaintiff is unaware of the true names and capacities of defendants sued herein as Does
25 1-10 and Roe Corporations 1-10, and will amend his complaint to show their true names
26 and capacities when the same are ascertained. Plaintiff is informed and believes and
27 thereon alleges that each of these fictitiously named defendants is responsible in some
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manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the aforementioned defendants. Plaintiff is further informed and believes and thereon alleges that at all times herein mentioned each and every defendant was the agent and employee of the remaining defendants and, in doing the things hereinafter alleged, was acting within the course and scope of such agency and employment. Each defendant, in doing the acts alleged herein, was acting with the consent, permission and authorization of each of the remaining defendants.

5. Plaintiff Tuggle timely submitted a charge of discrimination with the Nevada Equal
7 Rights Commission on January 8, 2015, and the Equal Employment Opportunity
8 Commission under charge number 34B-2015-00166. The Equal Employment Opportunity
9 Commission assumed jurisdiction over Plaintiff's charge and notice of the charge was
10 served upon the Defendant per statutory requirements.

12 6. On or about July 26, 2015, Plaintiff received a "notice of right to sue" letter which was
13 issued from the Equal Employment Opportunity Commission.

14 7. Both jurisdiction and venue are appropriate as all events occurred in Clark County,
15 Nevada; the Defendant operates in Clark County, Nevada and the matter involves federal
16 question jurisdiction under the Americans with Disabilities Act.

17 8. Plaintiff was hired by Defendant in May, 2012, and worked in the position of
18 executive secretary for upper level management.

19 9. On or April, 2013, Plaintiff was diagnosed with the disability condition of Lupus,
20 which is a chronic auto-immune disease, however, Plaintiff remained a qualified
21 individual for her existing work position.

22 10. Defendant was advised of Plaintiff's disability condition in approximately July, 2013,
23 and Plaintiff requested a reasonable accommodation for her disability condition from the
24 Defendant.

25 11. Between 2013-2014, the Defendant willfully failed and refused to provide any form
26 of reasonable accommodation for the Plaintiff's disability condition and, ultimately, in
27 October, 2014, the Defendant wrongfully terminated Plaintiff's employment in violation
28 of federal law.

12. Plaintiff was subjected to various forms of discrimination and unequal treatment related to her disability; she was subjected to a failure to reasonably accommodate by the Defendant; she was subjected to retaliation and harassment, and a hostile work environment related to her disability by agents of the Defendant.

13. Defendant was on notice of Plaintiff's disability and failed to reasonably accommodate her condition from April, 2013 to her wrongful termination in October, 2014, and further, failed to engage in any form of interactive dialogue with the Plaintiff to assist it the ADA accommodation process.

14. Defendant further engaged in retaliatory conduct against Plaintiff, said retaliatory conduct including, but not limited to, adverse employment assignments and workloads, adverse and disproportionate treatment compared to co-workers, adverse terms and conditions of employment and other forms of retaliation, all related to Plaintiff's disability condition.

15. Defendant and its agents further failed to protect Plaintiff from harm caused by the discriminatory and retaliatory conduct of its agents, said Defendant being on notice of the wrongful conduct.

16. Plaintiff has suffered harm and damages as a result of Defendant's conduct as set forth herein in an amount according to proof at trial.

FIRST CLAIM FOR RELIEF

VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AND NEVADA

STATE LAW

17. Plaintiff realleges, readopts and reincorporates the allegations contained in paragraphs 1 through 16 as though fully set forth herein.

18. Plaintiff has been subjected to regular and frequent acts of disability based discrimination, harassment, intimidation, retaliation and unequal treatment in an overall hostile work environment as a result of conduct and actions of the Defendant and its agents, said conduct in violation of the Americans with Disabilities Act and Nevada state law. This conduct includes, *but is not limited to*, Plaintiff suffering from disability based

harassment and discriminatory conduct/ behavior from agents of the Defendant, which the Defendant failed to take any reasonable steps to prohibit or protect Plaintiff from; Plaintiff suffering unequal treatment based on her disability by agents of the Defendant; Plaintiff suffering an overall hostile work environment and harassment caused by actions and conduct of agents of the Defendant; Plaintiff suffering from retaliation based on her disability; Plaintiff suffering disability based discrimination and/or harassment creating an overall hostile work environment and Defendant failing and/or refusing to accommodate Plaintiff's disability condition, despite the fact that she was a qualified individual for her position; and Plaintiff was wrongfully and unlawfully terminated from her position by the Defendant in 2014.

19. As a direct and proximate result of the Defendant's actions, Plaintiff suffered harm and damages in an amount according to proof at trial. To the extent that the Defendant's actions were willful and malicious, Plaintiff also seeks an award of punitive damages in an amount according to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

1. For compensatory damages, including, but not limited to, future pecuniary losses, physical and emotional pain and suffering, physical discomfort, inconvenience, mental anguish and loss of enjoyment of life in a sum according to proof at trial.
 2. For back pay and interest on back pay and front pay.
 3. For loss of employment related benefits, including health care and retirement.

- 1 4. For reasonable attorney's fees incurred herein.
2 5. For costs of suit and prejudgment interest.
3 6. For such other and further relief deemed appropriate by this Court.

3 Dated this 23rd day of September, 2015.

4 /s/Kirk T. Kennedy
5 KIRK T. KENNEDY, ESQ.
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7 815 S. Casino Center Blvd.
8 Las Vegas, NV 89101
9 (702) 385-5534
10 Attorney for Plaintiff

11 **JURY TRIAL DEMAND**

12 Pursuant to FRCP Rule 38, Plaintiff does hereby demand a
13 trial by jury of all issues in this complaint.

14 Dated this 23rd day of September, 2015.

15 /s/Kirk T. Kennedy
16 KIRK T. KENNEDY, ESQ.
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